

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

T7f

Filed: 3/15/2006
49th Day: 5/3/2006
180th Day: 9/11/2006
Staff: Charles Posner - LB
Staff Report: 5/25/2006
Hearing Date: June 13, 2006
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-06-070

APPLICANT: Ken Certain

AGENT: Peter Schechter, Architect

PROJECT LOCATION: 10 26th Avenue, Venice, City of Los Angeles, Los Angeles County

PROJECT DESCRIPTION: Demolition of two detached residential structures (3 units), and construction of a three-level, 28-foot high (plus one 35-foot high roof access structure), 3,764 square foot duplex with four enclosed parking spaces on a 2,640 square foot lot on a walk street.

Lot Area	2,640 square feet
Building Coverage	1,766 square feet
Pavement Coverage	201 square feet
Landscape Coverage	673 square feet
Parking Spaces	4
Zoning	RD1.5-1
Plan Designation	Multi-family Residential/Low Medium II
Ht above Walk Street	28 feet (plus 35-foot high roof access)

LOCAL APPROVAL: City of Los Angeles Planning Department Case No. ZA-2005-3738, 11/23/05.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the coastal development permit with special conditions relating to Venice walk street setback and design standards, building height, on-site parking and water quality. **See Page Two for the motion.** The applicant agrees with the staff recommendation. The proposed project has received approval from the City of Los Angeles Planning Department and is consistent with the RD1.5-1 zoning designation and the surrounding residential land uses. Adequate on-site parking is provided. Staff recommends that the Commission find that the proposed development, as conditioned, conforms with the Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to prepare an LCP.

SUBSTANTIVE FILE DOCUMENTS:

1. Certified Land Use Plan for Venice, City of Los Angeles, 6/14/01.
2. Venice Specific Plan, City of Los Angeles Ordinance No. 172897.
3. Coastal Development Permit A5-VEN-01-392/5-01-349 (King).
4. Coastal Development Permit 5-01-131 (Smith: 25 Dudley Avenue).
5. Coastal Development Permit 5-02-353 (Lowenstein: 21 Reef Street).
6. Coastal Development Permit 5-05-076 (Roddy: 25 Quarterdeck Street).
7. Coastal Development Permit 5-05-165 (Rivera & Pham: 14 Northstar Street).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Compliance with the Venice Walk Street Setback, Design and Parking Standards

Coastal Development Permit 5-06-070 approves the demolition of two residential structures (3 units), and construction of a three-level, 28-foot high duplex (with one 35-foot high roof access structure). All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions. As proposed by the applicant, the approved development shall be constructed in conformance with the following Venice Walk Street Setback and Design Requirements:

- (a) Building Setback. In order to maintain an open and visible access corridor and to enhance visual quality, all balconies and other portions of the structure (except for ground level decks and porches that do not exceed 18 inches in height above the elevation of the walk street sidewalk) shall be set back at least nine feet from the 26th Avenue right-of-way, **as shown on Exhibit #4 of the 5/25/06 staff report.**
- (b) Building Design. In order to enhance visual quality and community character, the side of the building facing the 26th Avenue walk street shall be designed and constructed with a varied and articulated façade that provides visual interest to pedestrians (e.g. with porches, bays and/or balconies), with frequent windows and the primary ground floor entrance for the residence facing the walk street, **as shown on Exhibit #6 of the 5/25/06 staff report.**
- (c) Landscaping. In order to enhance visual quality and to preserve the water quality, the building setback area required by part (a) above shall be maintained as a permeable yard area (except for a minimal paved walkway to the building entrance) landscaped with non-invasive and low water use plants.
- (d) 26th Avenue Right-of-Way. In order to enhance visual quality, prevent vehicular access, and to provide a transitional zone between a public walkway in the center of 26th Avenue and the private dwelling, the area situated between the 26th Avenue walkway and the permittee's property line (i.e., within the 26th Avenue right-of-way) shall be maintained as a permeable yard area (except for a minimal paved walkway to the building entrance) landscaped with non-invasive and low water use plants and enclosed within a 42-inch high decorative fence or wall (e.g. split rail, picket or rustic). Private parking on the right-of-way is not permitted. The

permittee and the proposed development shall not interfere with public pedestrian access to and along a public walkway in center of the 26th Avenue right-of-way.

Any proposed change or deviation from the approved plans, including change in the number of residential units, change to parking supply or change in use, shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Building Height

The maximum height of the structure shall not exceed 28 feet above the centerline of the fronting right-of-way (26th Avenue), except for one roof access structure (stairway enclosure with a footprint not exceeding one hundred square feet), which shall not exceed 35 feet in height. Chimneys, exhaust ducts, ventilation shafts and other similar devices essential for building function are limited to 33 feet above the centerline of the fronting right-of-way.

3. On-site Parking

A minimum of four (4) parking spaces shall be provided and maintained on the site to serve the approved duplex. Vehicular access to the site shall be taken only from the rear alley and Speedway. Vehicular access is not permitted on the 26th Avenue right-of-way.

4. Construction Responsibilities and Debris Removal

By acceptance of this permit, the applicant agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs:

- (a) No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wind or rain erosion and dispersion.
- (b) Any and all demolition/construction material shall be removed from the site within ten days of completion of demolition/construction and disposed of at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- (c) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the sea.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to demolish two detached residential structures with three residential units, and construct a 28-foot high, 3,764 square foot duplex on the corner of Speedway Alley and 26th Avenue in North Venice (Exhibit #2). The 2,640 square foot project site is located one block inland of the beach (Exhibit #3). The 26th Avenue is a 36-foot wide City right-of-way designated as a walk street (i.e., closed to vehicular access) by the certified Venice Land Use Plan (LUP). The immediate neighborhood is comprised of a variety of old and new multi-unit residential structures that vary in height between 25 and fifty feet.

The proposed duplex has three levels and a roof deck, with two garages (for four cars) on the ground floor (Exhibit #4). The side alley (Speedway) provides vehicular access to the two proposed garages (Exhibit #5). One 35-foot high, one hundred square foot roof access structure would provide access to the proposed roof deck. The front of the proposed duplex would be set back more than nine feet from the 26th Avenue right-of-way (Exhibit #4). The applicant has agreed to maintain the front yard setback area and a portion of the fronting right-of-way as a landscaped and permeable yard area as required by the certified Venice LUP.

The proposed project, with its 28-foot high roof, conforms to the 28-foot height limit for structures fronting on walk streets in Venice (Exhibit #5). The proposed 35-foot high roof access structure, with a footprint less than one hundred square feet, is part of the structure that is permitted to exceed the roof height limit. The proposed project also provides the required four on-site parking spaces in two two-car garages (Exhibit #4). The proposed project incorporates best management practices (BMPs) to improve water quality in the watershed, including the minimization of impervious surfaces on the project site (approximately 673 square feet of permeable landscaped area will be maintained on the project site, which includes part of the 26th Avenue right-of-way).

The proposed project has been approved by the City of Los Angeles Planning Department (Case #ZA-2005-3738) and is consistent with the R1-1 zoning designation and the surrounding land uses. The proposed duplex conforms to the Commission's two-unit density limit for the site and the 28-foot height limit. Adequate on-site parking is provided. As conditioned, the proposed project is consistent with community character, and will have no negative effects on visual resources or coastal access. The proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act, the policies of the certified Venice LUP, and previous Commission approvals, and approval of the project as conditioned would not prejudice the City's ability to prepare an LCP.

B. Public Access

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. Public Recreation

The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development, as conditioned, is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

D. Marine Resources and Water Quality

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

E. Development

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

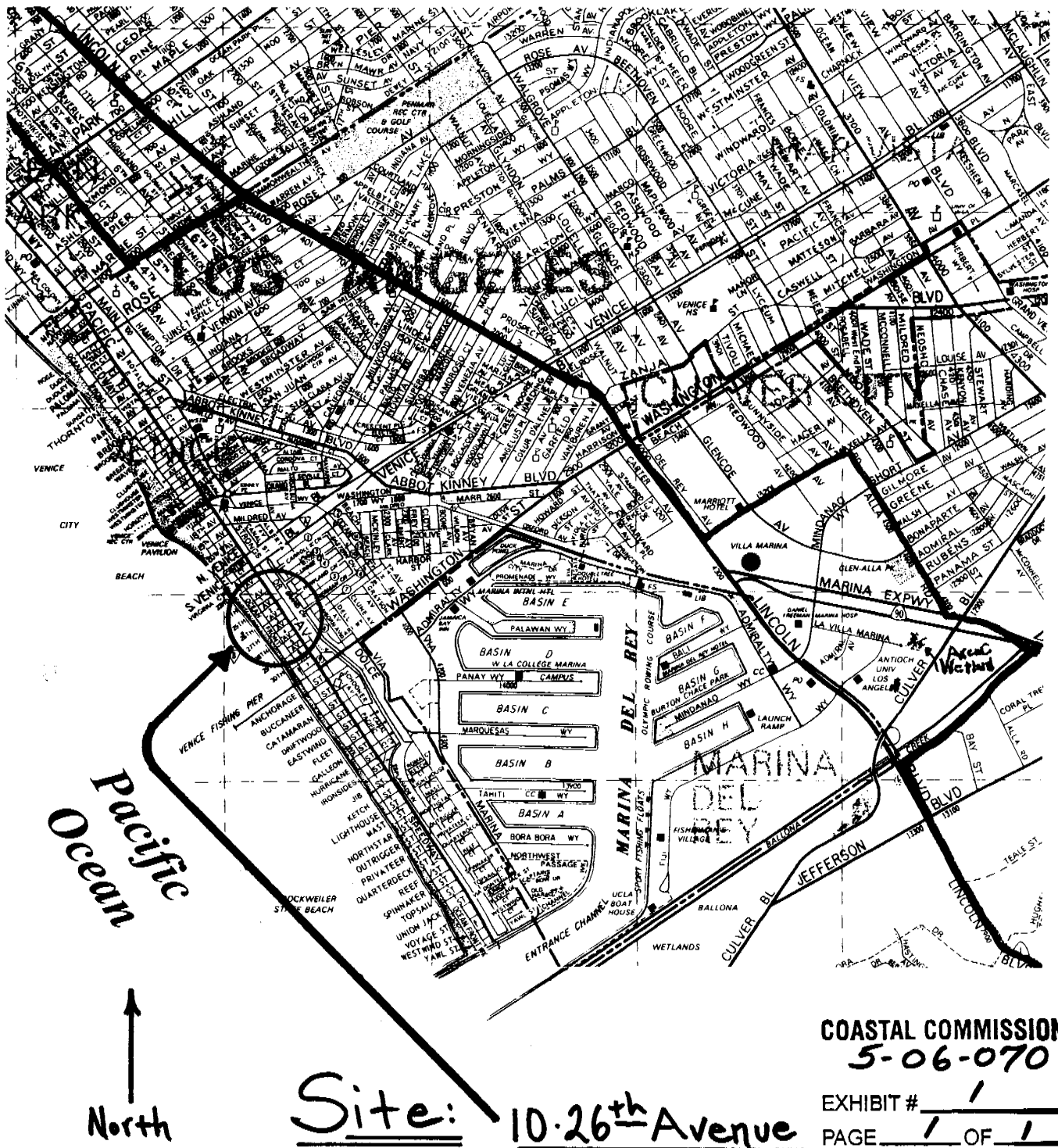
F. Local Coastal Program

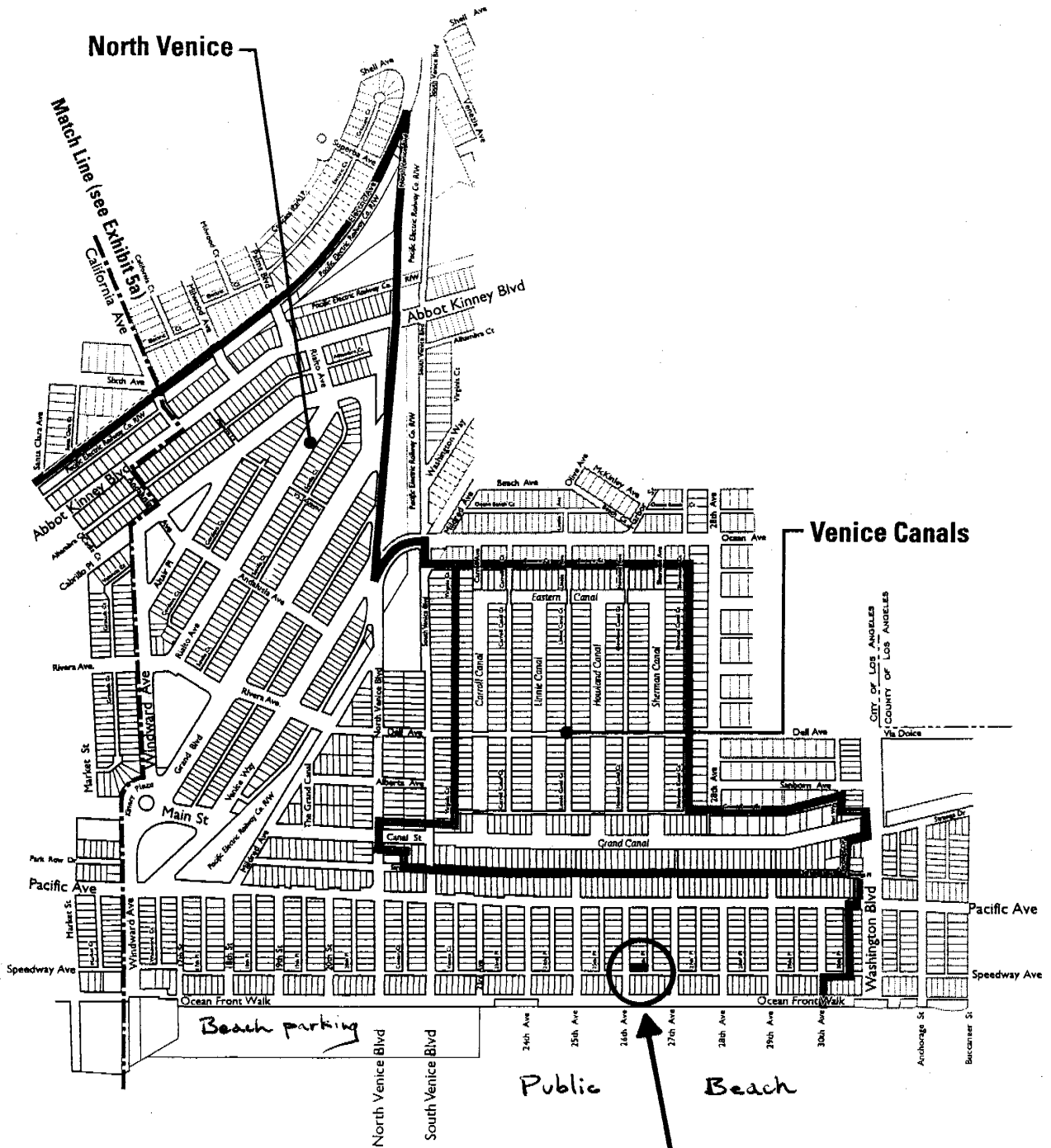
Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

VENICE, CA





Site: 10.26th Avenue

LUP
Exhibit 5b

Subarea: North Venice • Venice Canal



Not to Scale

COASTAL COMMISSION

5-06-070

EXHIBIT # 2

PAGE 1 OF 1

County of Los Angeles: Rick Auerbach, Assessor

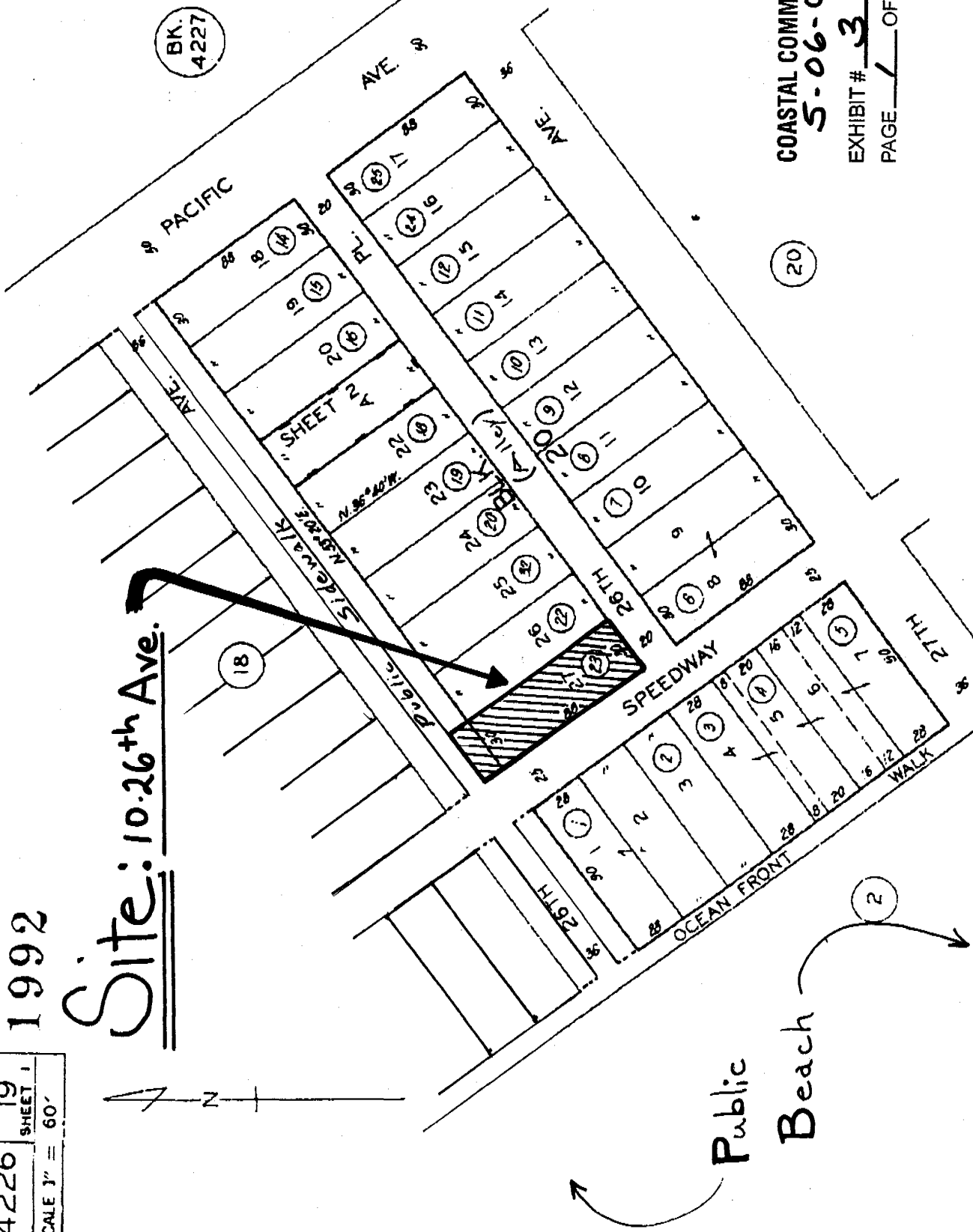
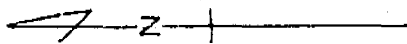
4226

19
SHEET 1

SCALE 1" = 60'

1992

Site: 10.26th Ave.



COASTAL COMMISSION
5-06-070

EXHIBIT # 3

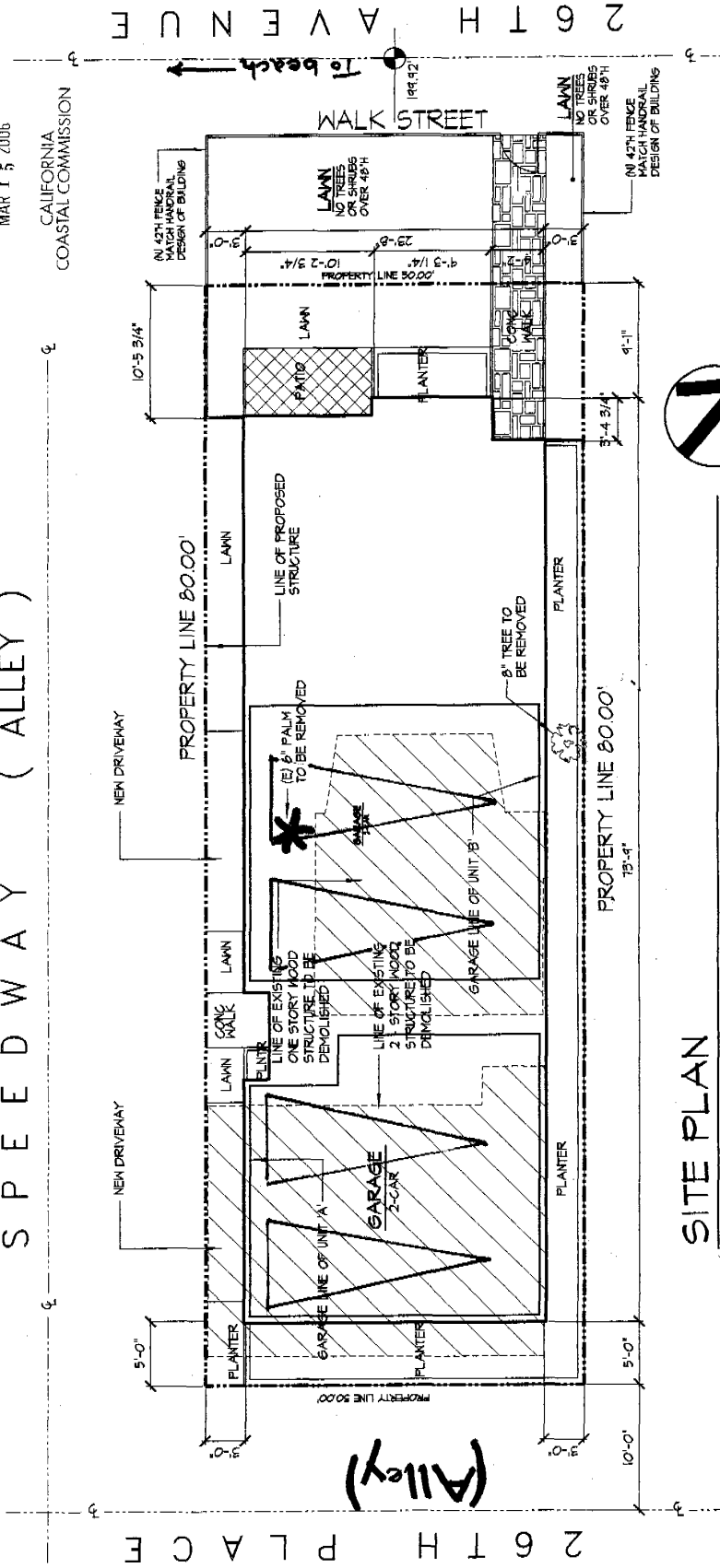
PAGE 1 OF 1

RECEIVED
South Coast Region

MAR 15 2006

CALIFORNIA
COASTAL COMMISSION

SPEEDWAY (ALLEY)



SITE PLAN

LEGAL DESC.: LOT 21 BLOCK 20
SHORT LINE BEACH # 2, M.B. 4-42

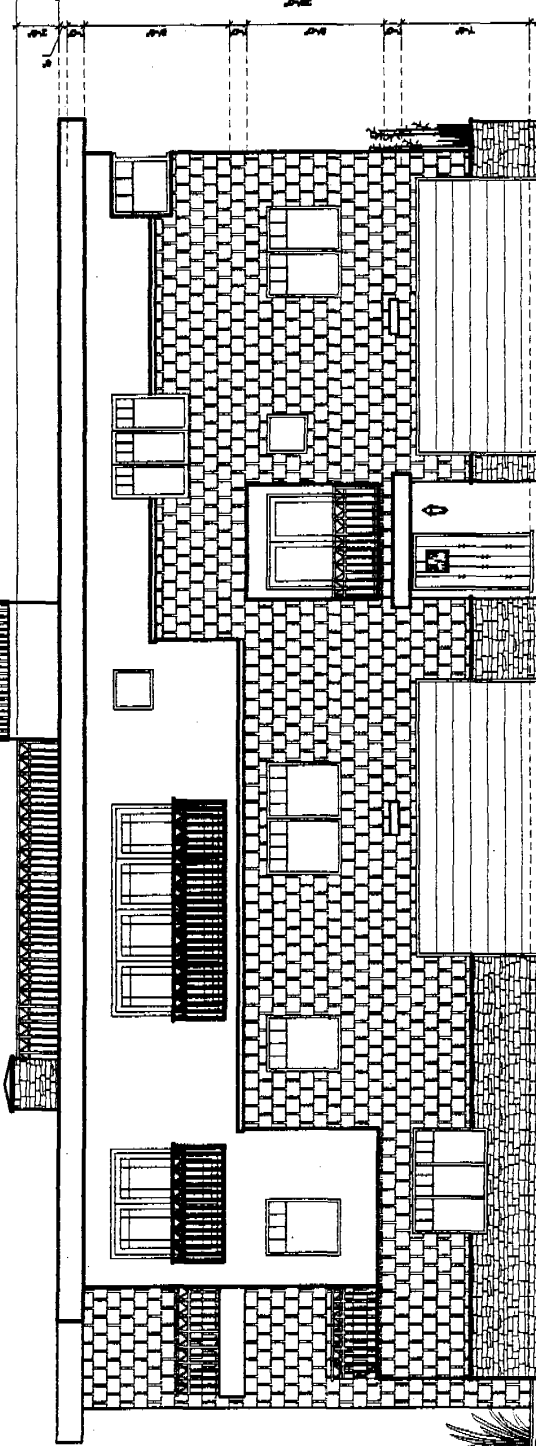
COASTAL COMMISSION
5-06-070

EXHIBIT # 4

PAGE 1 OF 1

-35'

ALLOWABLE MAXIMUM HEIGHT 3' OF ABOVE
BUILDING HEIGHT WHEN OVER
28'



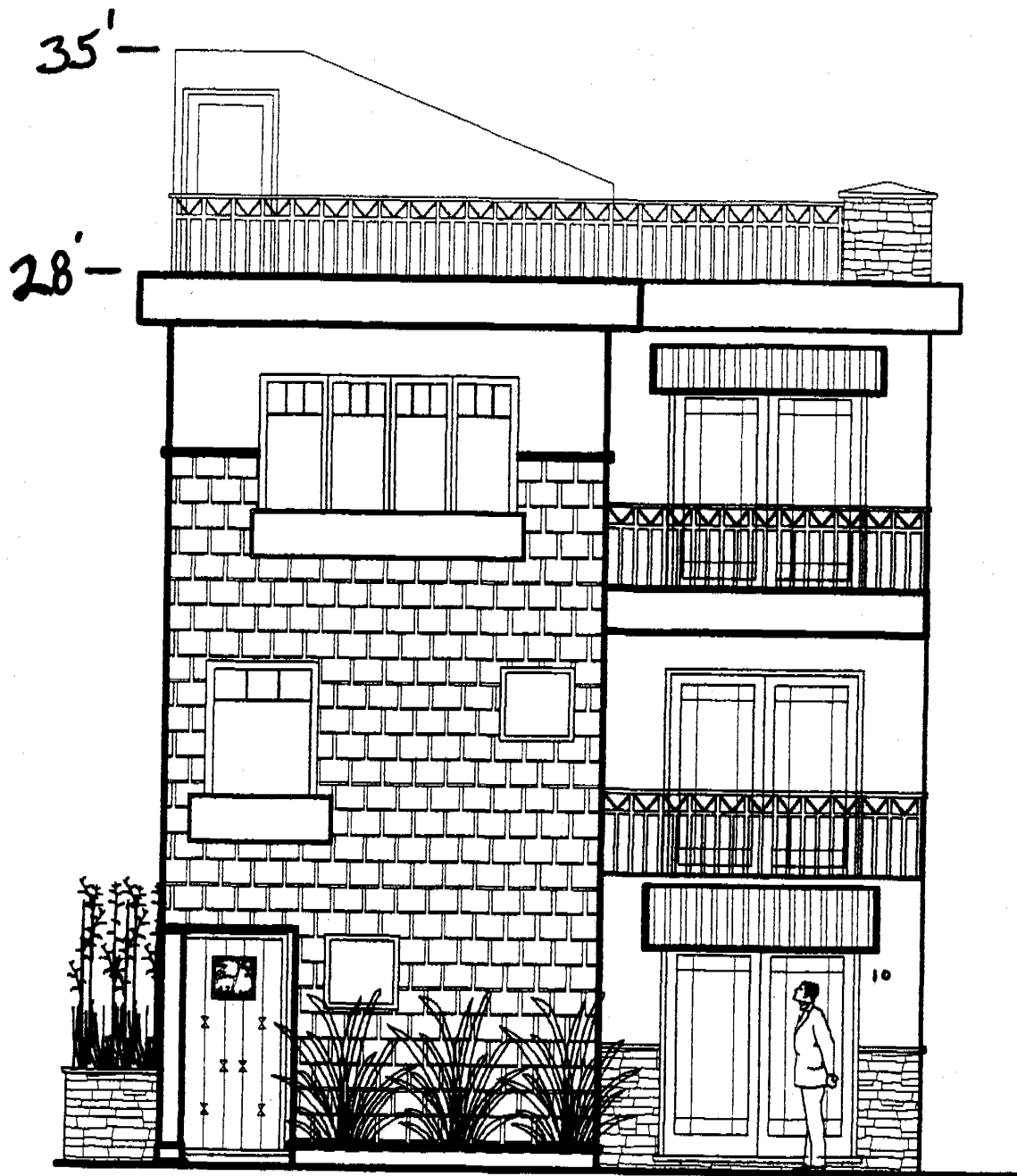
WALK-STREET (SPEEDWAY)
ALLEY

WEST ELEVATION
(Speedway)

COASTAL COMMISSION
5-06-070

EXHIBIT # 5

PAGE 1 OF 1



NORTH ELEVATION

26th Avenue Walkstreet

COASTAL COMMISSION
5-06-070

EXHIBIT # 6

PAGE 1 OF 1